

3 variance, or upon the failure of the commission to enter a final order
4 or determination within sixty (60) days after the final argument in
5 any hearing under section nine (9) of this Act, the person seeking
6 any of such actions shall be entitled to treat for all purposes such
7 failure to act as a grant of the requested permit or variance, or of a
8 finding favorable to the respondent in any hearing under section nine
9 (9) of this Act, as the case may be.

1 SEC. 18. No fees shall be charged by the technical secretary or
2 the commission for the performance of any of their respective func-
3 tions under this Act.

1 SEC. 19. The powers, duties, and functions vested in the commis-
2 sion under the provisions of this Act shall not be construed to affect
3 in any manner the powers, duties, and functions vested in the depart-
4 ment under any other provisions of law.

1 SEC. 20. Section two hundred sixty-three point eight (263.8),
2 Code 1966, is hereby amended by adding the following:

3 "The laboratory also shall perform all laboratory examinations and
4 studies which may be requested by the state department of health
5 and the air pollution control commission. The laboratory is author-
6 ized to perform such laboratory determinations relating to air con-
7 taminants as may be requested by political subdivisions or other per-
8 sons, and the laboratory also is hereby authorized to charge political
9 subdivisions or other persons fees covering transportation of samples
10 and the actual costs of examinations performed upon their request."

1 SEC. 21. There is hereby appropriated to the department from
2 the general fund of the state the sum of thirty-seven thousand five
3 hundred (37,500) dollars for each year of the ensuing biennium for
4 the purposes specified in this Act.

1 SEC. 22. There is hereby appropriated to the state bacteriological
2 laboratory from the general fund of the state the sum of thirty-three
3 thousand five hundred (33,500) dollars for each year of the ensuing
4 biennium for the purposes specified in this Act.

Approved June 22, 1967.

CHAPTER 163

LOCAL BOARDS OF HEALTH

S. F. 342

AN ACT relating to the organization, jurisdiction, powers and duties of county, city,
and district boards of health and permits local funding therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapters one hundred thirty-seven (137) and one hun-
2 dred thirty-eight (138), Code 1966, are hereby repealed.

1 SEC. 2. This Act may be cited as the "Local Health Act."

1 SEC. 3. As used in this Act, unless the context otherwise requires:

2 1. "County board" means a county board of health.

3 2. "City board" means a city board of health.

4 3. "District board" means a district board of health formed with
5 approval by the state board of health.

6 4. "District health department" refers to the personnel and prop-
7 erty under the jurisdiction of a district board of health.

8 5. "Local board of health" means a county, city, or district board of
9 health.

10 6. "State department" means the state department of health.

11 7. "State board" means the state board of health.

12 8. "Commissioner" means the commissioner of public health.

1 SEC. 4. The county board of health in each county shall consist of
2 five (5) members, at least one (1) of whom shall be licensed in Iowa
3 as a doctor of medicine and surgery or as an osteopathic physician and
4 surgeon, as defined by law.

1 SEC. 5. All members of the county board shall be appointed by the
2 county board of supervisors and shall serve for a period of three (3)
3 years except the terms of the five (5) initial appointees shall be as
4 follows:

5 1. One (1) member shall serve from the effective date of this Act
6 to December 31, 1968.

7 2. Two (2) members shall serve from the effective date of this Act
8 to December 31, 1969.

9 3. Two (2) members shall serve from the effective date of this Act
10 to December 31, 1970.

11 4. Vacancies due to death, resignation, or other cause shall be filled
12 as soon as possible after the vacancy exists by appointment of the
13 board of supervisors for the unexpired term of the original appoint-
14 ment.

1 SEC. 6. The county board shall have jurisdiction over public health
2 matters within the county, except as set forth in sections seven (7)
3 and fifteen (15) of this Act.

1 SEC. 7. The board of health of any city having a population of
2 twenty-five thousand (25,000) or more, according to the latest federal
3 census, shall continue for one (1) year from the effective date of this
4 Act unless the city council shall either terminate the board sooner or
5 elect to appoint a city board of health. The city board shall have juris-
6 diction within the municipal limits of said city. The council may ap-
7 point a city board in the manner specified in sections four (4) and
8 five (5) of this Act or may appoint itself to act as the city board of
9 health.

1 SEC. 8. Local boards shall have the following powers:

2 1. Enforce state health laws and the rules and lawful orders of the
3 state department.

4 2. Make and enforce such reasonable rules and regulations not in-
5 consistent with law or with the rules of the state board as may be
6 necessary for the protection and improvement of the public health.

7 a. Rules and regulations of a county board shall become effective
8 upon approval by the county board of supervisors and publication in a
9 newspaper having general circulation in the county.

10 b. Rules and regulations of a city board shall become effective upon
11 approval by the city council and publication in a newspaper having
12 general circulation in the city.

13 c. Rules and regulations of a district board shall become effective
14 upon approval by the district board and publication in a newspaper
15 having general circulation in the district.

16 d. However, before approving any rule or regulation the local board
17 of health shall hold a public hearing on the proposed rule or regulation.
18 Any citizen may appear and be heard at the public hearing. A notice
19 of the public hearing, stating the time and place and the general nature
20 of the proposed rule or regulation, shall be published at least ten (10)
21 days before the hearing in a newspaper of general circulation in the
22 area served by the board.

23 The board shall also make a reasonable effort to give notice of the
24 hearing to the communications media located within said area.

25 3. May by agreement with the council of any city or town within its
26 jurisdiction enforce appropriate ordinances of said city or town.

27 4. Employ such employees as are necessary for the efficient dis-
28 charge of its duties. Employment practices shall meet the require-
29 ments of the Iowa merit system council or any civil service provision
30 adopted under chapter three hundred sixty-five (365) of the Code.

31 5. Provide reports of its operations and activities to the state de-
32 partment as may be required by the commissioner.

1 SEC. 9. Local boards shall have the following powers and duties to
2 the extent they do not unreasonably interfere with existing patterns of
3 private professional practice of licensed practitioners of the healing
4 arts. Local boards:

5 1. May provide such personal and environmental health services as
6 may be deemed necessary for the protection and improvement of the
7 public health.

8 2. May engage in joint operations and contract with colleges and
9 universities, the state department, other public and private agencies,
10 and individuals for public health activities or projects.

11 3. May charge reasonable fees for personal health services. No per-
12 son shall be denied necessary services within the limits of available
13 personnel because of inability to pay the cost of such services.

14 4. May issue licenses and permits and charge reasonable fees there-
15 for in relation to the collection or disposal of solid waste and the
16 construction or operation of private water supplies or sewage disposal
17 facilities.

1 SEC. 10. The state department shall, after consultation with exist-
2 ing county and city boards, develop and may amend from time to time
3 as necessary a district health department plan. The plan shall set
4 forth recommended areas for the development of district health de-
5 partments.

1 SEC. 11. The state board shall adopt rules and regulations setting
2 minimum standards and procedures for the formation and approval of
3 district health departments.

1 SEC. 12. The county and city boards in any area designated by the
2 district health department plan may at any time submit to the state
3 department a request for approval as a district health department.
4 The request shall include:

5 1. A plan for appointment of a district board of health, the member-
6 ship of which shall not exceed eleven (11) members who shall be rea-
7 sonably representative of all existing health jurisdictions in the area.
8 At least one (1) and not more than three (3) of the members shall be
9 licensed in Iowa as doctors of medicine and surgery or osteopathic
10 physicians and surgeons, as defined by law. The plan shall specify the
11 terms of office of the members, by whom appointments to the board
12 are to be made, and methods for filling vacancies.

13 2. Evidence that the proposed district health department is con-
14 sistent with the state district health department plan and will meet the
15 requirements of rules and regulations of the state board.

1 SEC. 13. The state department shall review requests submitted
2 under section twelve (12) of this Act. The state department, upon
3 finding that all necessary conditions are met, shall approve the forma-
4 tion of a district health department and shall so notify the local boards
5 from whom the request was received.

1 SEC. 14. On receipt of notice of approval as a district health de-
2 partment, a district board shall be appointed as specified in the plan.
3 Board members shall serve without compensation, but shall be reim-
4 bursed from the local health fund, established under section nineteen
5 (19) of this Act, for necessary expenses in accordance with rules and
6 regulations established by the state board.

1 SEC. 15. On appointment of a district board, the county and city
2 boards involved shall be disbanded and their powers and duties speci-
3 fied in sections eight (8) and nine (9) of this Act transferred to the
4 district board.

1 SEC. 16. A city or county may be added to an existing district
2 health department by submission and approval of a request, as speci-
3 fied in sections twelve (12) through fifteen (15) of this Act, and upon
4 approval of the request by both the district board and the state board.

1 SEC. 17. A city or county may withdraw from an existing district
2 health department upon submission of a request for withdrawal and
3 approval of the request by both the district board and the state board.

1 SEC. 18. The treasurer of each city which has a city board and the
2 treasurer of each county shall establish a "local health fund".

1 SEC. 19. On establishment of a district health department, the dis-
2 trict board shall designate the treasurer of a city or county within its
3 jurisdiction to establish a "local health fund" for the district. Upon
4 establishment of the fund, monies in previously existing local health
5 funds in the district shall be transferred to the fund.

1 SEC. 20. All monies received for local health purposes from fed-
2 eral appropriations, from local taxation, from licenses, from fees for
3 personal services, or from gifts, grants, bequests, or other sources
4 shall be deposited in the local health fund. Expenditures shall be made

5 from the fund on order of the local board for the purpose of carrying
6 out its duties.

1 SEC. 21. A local board may, in emergency situations, request addi-
2 tional appropriations, which may, upon approval of the commissioner,
3 be allotted from the funds reserved for that purpose. On termination
4 of the emergency situation, the local board shall report its expendi-
5 tures of emergency funds, to the commissioner and return any unex-
6 pended funds.

1 SEC. 22. The board of supervisors of any county may appropriate
2 from the county general fund and the council of any city or town may
3 appropriate from the sanitation fund for the purpose of providing
4 local health services. Such appropriation shall not exceed the statu-
5 tory limitations found in chapters four hundred four (404) and four
6 hundred forty-four (444) of the Code. Monies appropriated for this
7 purpose shall be deposited in the local health fund as specified in
8 section twenty (20) of this Act.

1 SEC. 23. Any person who violates any provision of this Act or the
2 rules and regulations of a local board or any lawful order of said
3 board, its officers, or authorized agents shall be guilty of a misde-
4 meanor and shall be punished by a fine not to exceed one hundred
5 (100) dollars or by imprisonment in the county jail for not more than
6 thirty (30) days. Each additional day of neglect or failure to comply
7 with such provision, rule or lawful order after notice of violation by
8 the local board shall constitute a separate offense.

1 SEC. 24. Section one hundred twenty-three point twenty-seven
2 (123.27), subsection four (4), Code 1966, is hereby amended by in-
3 serting in line thirty-seven (37) preceding the word "county" the
4 words "any official".

1 SEC. 25. Section one hundred thirty-five point thirty-one (135.31),
2 Code 1966, is hereby amended by inserting in line eleven (11) after
3 the word "state," the word "district,".

1 SEC. 26. Section one hundred thirty-nine point twelve (139.12),
2 Code 1966, is hereby amended by striking lines three (3) through
3 twelve (12) and inserting in lieu thereof the following:

4 "shall be accomplished according to the rules and regulations of the
5 local board of health or the rules of the state board of health."

1 SEC. 27. Section one hundred thirty-nine point eighteen (139.18),
2 Code 1966, is hereby amended by striking from line two (2) the words
3 "or town".

1 SEC. 28. Section one hundred thirty-nine point twenty (139.20),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of the" and inserting
4 in lieu thereof the words "of a".

5 2. By striking from line six (6) the words "health officer" and in-
6 serting in lieu thereof the words "local board of health".

1 SEC. 29. Section one hundred thirty-nine point twenty-seven
2 (139.27), Code 1966, is hereby amended by striking from line seven
3 (7) the words "clerk of the".

1 SEC. 30. Section one hundred forty point twenty (140.20), Code
2 1966, is hereby amended by striking from line three (3) the word
3 "the" and inserting in lieu thereof the word "a".

1 SEC. 31. Section one hundred forty point thirty (140.30), Code
2 1966, is hereby amended by striking from line two (2) the words
3 "health officer,".

1 SEC. 32. Section one hundred forty point thirty-four (140.34),
2 Code 1966, is hereby amended by striking lines two (2) and three (3)
3 and inserting in lieu thereof the following:
4 "local board of health shall cause an examination to be made of
5 every person reason-".

1 SEC. 33. Section one hundred forty-one point seventeen (141.17),
2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line two (2) the words "local board or".
- 4 2. By striking from line four (4) the word* "local health officer or".

1 SEC. 34. Section one hundred forty-three point one (143.1), Code
2 1966, is hereby amended by striking lines one (1) through three (3)
3 and inserting in lieu thereof the following:

4 "Any local board of health, the county board of education of any
5 county, or the school board of any school".

1 SEC. 35. Section one hundred forty-three point two (143.2), Code
2 1966, is hereby amended by striking from lines one (1) and two (2)
3 the words "and councils within any county".

1 SEC. 36. Section two hundred thirty-seven point seven (237.7),
2 Code 1966, is hereby amended by striking from lines four (4) and five
3 (5) the words "of the city, village, or town in which" and inserting in
4 lieu thereof the words "in whose jurisdiction".

1 SEC. 37. Section two hundred thirty-eight point twenty-one
2 (238.21), Code 1966, is hereby amended by striking from lines three
3 (3) and four (4) the words "of the city, village, or town in which"
4 and inserting in lieu thereof the words "in whose jurisdiction".

1 SEC. 38. Section three hundred fifty-one point thirty-six (351.36),
2 Code 1966, is hereby amended by striking lines one (1) and two (2)
3 and inserting in lieu thereof the following:

4 "Local health and law enforcement officials shall".

1 SEC. 39. Section three hundred fifty-one point thirty-eight
2 (351.38), Code 1966, is hereby amended as follows:

- 3 1. By striking from lines five (5) and six (6) the words "county or
4 city or town" and inserting in lieu thereof the word "local".
- 5 2. By striking from line eight (8) the words "county or city or
6 town" and inserting in lieu thereof the word "local".

*According to enrolled Act.

1 SEC. 40. Section three hundred fifty-one point thirty-nine
2 (351.39), Code 1966, is hereby amended by striking from lines one (1)
3 and two (2) the words "county or city or town" and inserting in lieu
4 thereof the word "local".

1 SEC. 41. Section three hundred fifty-one point forty (351.40),
2 Code 1966, is hereby amended by striking from lines one (1) and two
3 (2) the words "county or city or town" and inserting in lieu thereof
4 the word "local".

1 SEC. 42. Section seven hundred thirty-four point one (734.1),
2 Code 1966, is hereby amended by striking from lines seven (7) and
3 eight (8) the words "or local health officer of the city, town, or town-
4 ship in which" and inserting in lieu thereof the words "in whose juris-
5 diction".

1 SEC. 43. Nothing in this Act shall be construed to impede, limit,
2 or restrict the right of free choice by an individual to the health care
3 or treatment that he may select.

Approved July 27, 1967.

This Act was passed by the G. A. before July 1, 1967.

CHAPTER 164

AREA HOSPITALS

H. F. 435

AN ACT to authorize the creation of area hospitals.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Any of the political subdivisions of this state may con-
2 solidate to acquire and operate an area hospital for the purpose of
3 providing hospital service for all residents of such area.

1 SEC. 2. As used in this Act:

2 1. "Political subdivision" means any county, township, school dis-
3 trict, city or town.

4 2. "Officials" means the respective governing bodies of political sub-
5 divisions.

6 3. "Merged area" means two (2) or more political subdivisions
7 which have merged resources to establish and operate an area hospital.

8 4. "Area hospital" means a hospital established and operated by a
9 merged area.

10 5. "Board" means the board of trustees of an area hospital.

1 SEC. 3. The officials of any political subdivision are hereby author-
2 ized to plan for the merger of an area to establish and operate an area
3 hospital; and in planning for such hospitals, a county board of super-
4 visors may exclude any township of the county which the board of
5 supervisors determines would not sufficiently benefit by the merger.
6 Plans for an area hospital shall include the maximum millage to be